

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Tayan Jackson,

Petitioner,

v.

Warden C. Chestnut,

Respondent.

Case No.: 2:24-cv-01087-APG-BNW

**Order Dismissing Petition for a Writ of  
Habeas Corpus Under 28 U.S.C. § 2241**

[ECF No. 10]

Petitioner Tayan Jackson, proceeding pro se, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 seeking relief in relation to his federal custody. ECF No. 10. The petition challenges the respondent's alleged refusal to transfer him to a halfway house or home confinement as provided under 18 U.S.C. § 3624(c). The petition is meritorious, but I must dismiss it as moot.

**BACKGROUND**

Jackson is serving a 39-month sentence for attempt and conspiracy to commit bank fraud and identity theft. *United States v. Jackson*, No. 5:18-cr-20462 (E.D. Mich. filed March 24, 2022). He began serving his sentence in March 2022. ECF No. 10 at 1. As of May 13, 2024, he had been incarcerated at the Nevada Southern Detention Center (NSDC) for 25 days. ECF No. 10 at 7. His anticipated release date is January 25, 2025.<sup>1</sup>

<sup>1</sup> This is the date provided by the BOP's inmate locator as of August 22, 2024. See <https://www.bop.gov/inmateloc/>. Jackson claims that time credits will advance his release date to October 11, 2024. ECF No. 18 at 2.

1 He alleges that the respondent, the warden at NSDC, and his staff refused accept his  
 2 request for release to a halfway house or home confinement. *Id.* at 6. He claims that he was  
 3 advised by staff that NSDC was “not a catch and release facility” and that “there is no timeframe  
 4 on how long [he would] be detained at NSDC.” *Id.* at 7. Mail returned to the court as  
 5 undeliverable shows that Jackson was no longer incarcerated at NSDC as of June 23, 2024. ECF  
 6 No. 4. On July 8, 2024, the court received a notice from Jackson that he had been transferred to  
 7 FCI Victorville in California, where he is currently incarcerated. ECF No. 8.

## 8 **DISCUSSION**

### 9 **A. Subject Matter Jurisdiction**

10 When Jackson filed his petition, he was incarcerated in Nevada, and he named as  
 11 respondent the warden of the institution where he was imprisoned. Thus, he “properly complied  
 12 with habeas procedure.” *Mujahid v. Daniels*, 413 F.3d 991, 994 (9th Cir. 2005) (citing *Rumsfeld*  
 13 *v. Padilla*, 542 U.S. 426 (2004)). Despite his transfer to a facility in California, jurisdiction  
 14 remains with this court. *See id.*; *see also Francis v. Rison*, 894 F.2d 353, 354 (9th Cir.1990)  
 15 (“[J]urisdiction attaches on the initial filing for habeas corpus relief, and it is not destroyed by a  
 16 transfer of the petitioner and the accompanying custodial change.” (internal quotation marks and  
 17 citations omitted)).

### 18 **B. Exhaustion of Administrative Remedies**

19 Federal prisoners are generally required to exhaust available administrative remedies  
 20 before filing a habeas corpus petition under 28 U.S.C. § 2241. *See Tucker v. Carlson*, 925 F.2d  
 21 330, 332 (9th Cir. 1991); *Martinez v. Roberts*, 804 F.2d 570, 571 (9th Cir. 1986). However, the  
 22 failure to satisfy the exhaustion requirement applicable to § 2241 proceedings is not  
 23 jurisdictional. *Brown v. Rison*, 895 F.2d 533, 535 (9th Cir. 1990), *overruled on other grounds by*

1 *Reno v. Koray*, 515 U.S. 50, 54–55 (1995). Thus, where a federal prisoner fails to properly  
2 exhaust administrative remedies prior to filing a § 2241 petition, the district court has discretion  
3 to waive the exhaustion requirement and reach the merits. *Id.*

4 Jackson notes in his petition that he did not seek an administrative remedy because he  
5 does not have enough time left on his sentence to complete the administrative process and still  
6 obtain the benefit of a halfway house or home confinement. ECF No. 10 at 3. In subsequent  
7 filings, he also claims that the staff at FCI Victorville have interfered with his efforts to seek  
8 administrative remedies. ECF Nos. 11/16. The respondent does not raise Jackson’s failure to  
9 exhaust as an affirmative defense in his response. Given these circumstances, I waive the  
10 exhaustion requirement.

### 11 **C. Merits**

12 Jackson contends that the respondent’s refusal to process his request for placement in a  
13 halfway house or home confinement violates § 3624(c), which provides, in part:

14 The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a  
15 prisoner serving a term of imprisonment spends a portion of the final months of  
16 that term (not to exceed 12 months), under conditions that will afford that prisoner  
17 a reasonable opportunity to adjust to and prepare for the reentry of that prisoner  
into the community. Such conditions may include a community correctional  
facility.

18 18 U.S.C. § 3624(c)(1). Community correctional facilities are also known as residential re-entry  
19 centers (RRCs) and are often referred to as “halfway houses.” *See Rodriguez v. Smith*, 541 F.3d  
20 1180, 1181 n. 1 (9th Cir. 2008). The BOP’s authority under § 3624(c) “may be used to place a  
21 prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that  
22 prisoner or 6 months.” 18 U.S.C. § 3624(c)(2).  
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1 Section 3621(b) gives the BOP authority to “designate the place of the prisoner’s  
2 imprisonment” at a location it “determines to be appropriate and suitable,” considering (1) the  
3 resources of the facility, (2) the “nature and circumstances of the offense,” (3) the history and  
4 characteristics of the inmate, (4) any statement by the sentencing court, and (5) any policy  
5 statement from the U.S. Sentencing Commission. 18 U.S.C. § 3621(b). These criteria govern  
6 § 3624(c) decisions on community re-entry placement. *Sacora v. Thomas*, 628 F.3d 1059, 1063  
7 (9th Cir. 2010). Individualized review according to the five listed factors is mandatory. *Id.* at  
8 1068 (citing *Rodriguez v. Smith*, 541 F.3d 1180, 1187 (9th Cir. 2008)).

9 The respondent argues that this court has no authority to order Jackson’s release to home  
10 confinement or a halfway house. The respondent is correct that discretionary decisions made by  
11 the BOP are not subject to judicial review. *See Reeb v. Thomas*, 636 F.3d 1224, 1227 (9th Cir.  
12 2011). Even so, the court “does have jurisdiction to decide whether the Bureau of Prisons acted  
13 contrary to established federal law, violated the Constitution, or exceeded its statutory authority  
14 when it acted pursuant to 18 U.S.C. § 3621.” *Rodriguez v. Copenhaver*, 823 F.3d 1238, 1242  
15 (9th Cir. 2016). Here, the respondent does not dispute Jackson’s allegation that staff at NSDC  
16 refused to even consider his request for placement in either a halfway house or home  
17 confinement as authorized by § 3624(c)(2). Such a refusal without applying the mandatory  
18 factors listed in § 3621(b) to Jackson violated established federal law. *See Rodriguez v. Smith*,  
19 541 F.3d at 1187 (holding that failure to consider the five statutory factors when considering  
20 eligibility for placement in or transfer to an RRC violates § 3621(b)).

21 In sum, federal law requires the BOP to consider the appropriateness of transferring  
22 Jackson to an RRC or home confinement in light of the factors set forth in § 3621(b). Failure to  
23 do so provides grounds for habeas relief.

**D. Mootness**

District courts are limited to granting habeas relief “within their respective jurisdictions.” 28 U.S.C. § 2241(a). A federal court issuing a writ of habeas corpus “must have personal jurisdiction over the custodian”; . . . “[w]ithout such jurisdiction, the court has no authority to direct the actions of the restraining authority.” *Malone v. Calderon*, 165 F.3d 1234, 1237 (9th Cir.1999) (holding that a California district court did not have jurisdiction over a habeas action related to a prisoner confined in Missouri); *see also Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 495–99 (1973) (holding that § 2241 jurisdiction lies both in the district of actual physical confinement and in the district where the court can serve process on the custodian).

In discussing the power of a district court which initially acquires proper jurisdiction to act after the prisoner is moved, the court in *Rumsfeld* stated that the district court may direct the writ to “any respondent within its jurisdiction who has the legal authority to effectuate the prisoner’s release.” *Rumsfeld*, 542 U.S. at 441. In this case, the BOP does not maintain any facilities or regional offices in Nevada.<sup>2</sup> Thus, there is no respondent within the territorial jurisdiction of this court to whom it could issue a writ in this case.

A case becomes moot when “it no longer present[s] a case or controversy under Article III, § 2, of the Constitution.” *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). A federal action should “be dismissed as moot when, by virtue of an intervening event,” a federal court cannot grant “any effectual relief” in favor of the party seeking relief. *Calderon v. Moore*, 518 U.S. 149, 150 (1996) (internal quotation omitted); *see also Burnett v. Lampert*, 432 F.3d 996, 999 (9th Cir.

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<sup>2</sup> The NSDC is maintained by U.S. Immigration and Customs Enforcement.


1 2005) (finding habeas petition moot where petitioner “seeks relief [that] cannot be redressed by a  
2 favorable decision of the court issuing a writ of habeas corpus”) (internal quotation and ellipsis  
3 omitted)). Here, Jackson's transfer to FCI Victorville in California—outside the court’s  
4 territorial jurisdiction—prohibits me from being able to grant “any effectual relief” and, as such,  
5 renders the petition moot.

6 I THEREFORE ORDER that Jackson’s petition for a writ of habeas corpus (**ECF No.**  
7 **10) is DISMISSED as moot.** The Clerk shall enter judgment accordingly and close this case.

8 I FURTHER ORDER that Jackson’s motion to correct the named respondent (**ECF No.**  
9 **12) is denied a moot.**

10 I FURTHER ORDER the Clerk to send a copy of this order to: Warden Jacob Doerer;  
11 FCI Victorville Medium II; P.O. Box 5400; Adelanto, CA 92301.

12 Dated: August 23, 2024

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14 U.S. District Judge Andrew P. Gordon  
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